

**Attachment
to
DLA Energy Utilities Privatization (UP) Kick-Off
Briefing**

General Information on UP COR Program

NOTE: This document is provided solely for general and unofficial informational purposes. Its overall intent is to help the reader to better understand the general approach DLA Energy's Utility Services Division is taking in the continued development of its UP COR Program.

TABLE OF CONTENTS

1.0	<u>Introduction</u>
2.0	<u>Definitions</u>
3.0	<u>Designation of the COR</u>
4.0	<u>General Responsibilities of the COR</u>
5.0	<u>Type of Contract</u>
6.0	<u>COR Training</u>
7.0	<u>COR Checklist of General Duties</u>
8.0	<u>Summary</u>
	<u>Appendix</u>

1.0 Introduction *(What is this Information for?)*

This information is provided to help frame the responsibilities for newly appointed Contracting Officer's Representatives (CORs) on Utilities Privatization (UP) contracts administered by the Defense Logistics Agency Energy, Utility Services Division (DLA Energy-FEE). This document provides a framework for CORs in understanding the scope of duties normally expected on UP contracts. This document contains applicable DLA COR policy references, generalized information on basic COR duties, and a checklist.

This document contains helpful information to ensure CORs effectively perform their duties and to stay contractually compliant with current policies and directives.

2.0 Definitions *(What, officially, is a COR?)*

The following definition is taken from the Defense Federal Acquisition Regulation Supplement 252.201-7000 outlining the basic responsibilities of a COR:

Definition. "Contracting officer's representative" means an individual designated in accordance with subsection 201.602-2 of the Defense Federal Acquisition Regulation Supplement and authorized in writing by the contracting officer to perform specific technical or administrative functions.

(b) If the Contracting Officer designates a contracting officer's representative (COR), the Contractor will receive a copy of the written designation (For DLA Utilities this is also known as a Letter of Appointment (LOA)). It will specify the extent of the COR's authority to act on behalf of the contracting officer. The COR is not authorized to make any commitments or changes that will affect price, quality, quantity, delivery, or any other term or condition of the contract.

The COR (when one is appointed) acts as the point of contact between the Contracting Officer and the contractor. COR responsibilities and limitations are established by the Contracting Officer.

3.1 Designation of the COR *(What's involved in designating a COR and what general skills /abilities should the COR possess?)*

The designation of a COR is a crucial step in ensuring smooth administration of a UP contract:

- (a) **Initial COR Designation:** The Contracting Officer may designate any Government employee, military or civilian, to act as the Contracting Officer's authorized representative as a COR on a contract subject to the authority and limitations outlined in the LOA. In selecting an individual as an authorized representative, the Contracting Officer shall ensure that the individual possesses qualifications, training and experience commensurate with the authority which the COR will exercise. ***(NOTE: The installation-level organization plays a critical role in the initial nomination of an individual to potentially serve as a COR. The individual's demonstrated program***

management skills should be a major consideration when nominating, and ultimately appointing, a COR.) COR designees shall complete all required initial training prior to being issued a LOA (see Section 6.0 of this document for required training). ***Initial COR appointments shall be made prior to contract award.*** Local training coordinators at the Installation should be consulted for sources of approved COR training courses in addition to those sources annotated in Section 6.0 of this document.

- (b) **COR Designation Paperwork:** A COR shall be designated by name and position title. In accordance with Federal Acquisition Regulations (FAR 1.602-2) each designation of a COR shall be in writing and clearly define the scope and limitations of authority. The extent of the authority and limitations of the COR, for each individual contract, is determined by the LOA from the Contracting Officer. Changes in the scope and limitation of authority may be made either by issuing a new designation or by amending the existing designation. When one COR is appointed for more than one contract, separate designations shall be issued for each contract. A copy of each appointment letter shall be forwarded to the applicable payment office(s) when the COR is authorized to certify invoices for payment. This copy shall be annotated with the COR's address and telephone number if this information is not readily apparent in the letter.
- (c) **Length of COR Designation:** A designation of a COR shall remain in effect through the life of the contract unless revoked by the Contracting Officer, the Contracting Officer's successor, or in the event of reassignment of the individual designated.
- (d) **Inability of COR to Fulfill Duties:** The Contracting Officer shall be notified immediately in writing, by the COR's immediate supervisor, if the individual appointed as COR is transferred, reassigned, will be absent for an extended period, or is otherwise unable to fulfill the responsibilities of the position.
- (e) **Appointment of Alternate COR:** An alternate COR may be appointed by the Contracting Officer as needed. The same primary COR initial training requirements and standards must be met by the alternate COR prior to nomination.

4.1 General Responsibilities of the COR *(What, generally, is expected of a COR?)*

The following list outlines the general expectations of a COR when monitoring a UP contract:

1. Follow all detailed requirements that are listed in the COR LOA.
2. Maintain a copy of the current contract, including all modifications.
3. Become familiar with all the terms and conditions of the contract, including modifications.
4. Inform the Contracting Officer of any delays in work or any problem that might warrant a modification to the existing contract.
5. Monitor technical compliance and ensure that all technical requirements are being met per the contract and the Quality Assurance Surveillance Plan (QASP). *(Note: A QASP is a detailed document designed to provide the COR an effective and systematic surveillance methodology for all service/requirements included in the specific negotiated*

UP contract. The QASP focuses on the services the contractor is required to furnish, and may include a variety of surveillance methods to assess the contractor's level of performance. The actual QASP document is developed immediately after contract award by the COR, with assistance of DLA Energy-FEE, and is enacted at the beginning of the Transition Period. A template QASP will be provided to the COR near or at the Contract Award Date to facilitate the development of the contract-specific QASP document.)

6. Provide technical interpretation of the requirements.
7. Observe contractor's activities to assess the extent to which Government requirements are being furnished or performed as directed in the contract.
8. Report all deficiencies in writing to the Contracting Officer.
9. Notify Contracting Officer of any problems or changes that have occurred out of the scope of work.
10. Report any potential fraud, waste, and abuse to the Contracting Officer/Specialist, as well as the Installation's legal office.
11. Provide written notification to the Contracting Officer for all contractual requirements that have been fulfilled.
12. Request de-obligation of excess funding and ensure that payment invoices are verified and properly submitted in a timely manner.
13. Ensure that training and access to the required automated reporting system is completed prior to assuming duties:
 - Wide Area Workflow (WAWF)
 - Contractor Performance Assessment Reporting System (CPARS)
14. Establish and maintain sufficient "communication channels" with appropriate base officials on pertinent issues associated with the UP contract, to include necessary facility and utility project planning/coordination meetings between Government, third-party, and UP contractor representatives. (***NOTE: It is very important to recognize that the overall goals of the communication channels are to 1) ensure a process is in place to adequately forecast and address utility-related requirements of the Installation to the UP contractor, and 2) allow the UP contractor -- as the owner of the utility system -- the opportunity to determine the best way to meet those requirements while maintaining reliable, industry-standard utility services to the Installation.***)

5.0 Type of Contract *(What is the official type of contract the COR is expected to monitor under the UP program, and why does it matter?)*

All UP contracts administered by DLA Energy-FEE are defined by DoD Instruction 5000.72 as "Type B". These Type B contracts are considered to be "other than low risk" in terms of the complexity of the contract to administer and monitor. UP contracts use primarily a "contract requirements"-type format. The DoD Instruction 5000.72 - Table 3 describes the general level of complexity/requirements of Type B contracts as follows:

Type B - Fixed-price contracts with incentives; fixed-price contracts with other than low performance risk; and other than fixed-price contracts. This includes everything other than Types A and C. Attributes of such requirements might include:

- Contract complexity or performance risk
 - Effort will be performed in multiple regions or remote geographic locations
 - The need for increased surveillance
 - Magnitude of the requirement
 - The contract contains incentive arrangements or cost sharing provisions
 - The contract is cost-type of Time & Materials/Labor Hours (T&M or LH) type, or fixed price/Level of Effort (FP LOE)
- COR responsibilities are of increased complexity.

All COR training requirements listed in this document are based on this “Type B” designation.

(NOTE: As a result of the recognized moderately complex nature of UP contracts, the individual designated to serve as COR should have a demonstrated strength in program management skills.)

6.1 COR Training *(What type of training is required, both initial and recurring?)*

The following training requirements listed below are the minimum and reoccurring standards set by the DoD Instruction 5000.72 - Enclosure 5 1-B *(Requirements for the Contracting Officer's Representative Type B)*. COR appointees must successfully complete all required initial training prior to performing any COR duties and before the official COR LOA is signed. COR nominees will ensure that copies of the COR training certificates/completion notification, are sent and received by the appointed DLA Energy Contracting Officer or designated Contracting Specialist. These standards will be followed by all CORs for UP contracts. The required initial COR training courses can be accessed at the websites indicated below. *(Note: Local training coordinators at the Installation should be consulted for sources of additional approved COR training courses if there are local requirements for COR training additional to what is annotated below.)*

COR-Related INITIAL Training Required:

The following COR-related initial training is required and is available on the Defense Acquisition University (DAU) website at the following link: <https://www.dau.edu/> :

- * **CLC 222:** Contracting Officers Representative (COR) Online Training
(Approx. 32 hrs to complete)
- * **CLM 003:** Ethics Training for the AT&L Workforce *(Approx. 2 hrs to complete)*
- * **CLM 049:** Procurement Fraud Indicators *(Approx. 2 hrs to complete)*

Additional initial training is required by DLA, which includes obtaining access to two automated systems (and taking the associated automated training courses), as well as taking two courses offered through DAU and the Application Training Application System (ACQTAS):

- **Wide Area Workflow (WAWF):** This is a “paperless contracting”, DoD-wide application designed to eliminate paper from the receipts and acceptance process of the DoD contracting lifecycle.
(Note: training can be accessed at: <https://wawftraining.eb.mil/wbt/xhtml/wbt/wawf/index.xhtml> take the “WAWF Overview” and then the “Acceptor” role) (Approx. 2 hrs. to complete)
 1. Under Software User’s Manual (SUM) – SUM Info for all users – review the “Overview” module and its 3 sub-sections in their entirety.
 2. Then, go to User Roles – Receipts and Acceptance – review the “Acceptor” module and all its sub-sections to gain a general understanding of acceptor duties, processes, and applications.
Note: Under “Documents Types Acceptance”, the user should review the demo of the “Acceptance of a 2 in 1 Document” as this will be the primary invoice type that is submitted by the system owner.
 3. After reviewing the required training, generate a Memo for Record (MFR) indicating you reviewed and understand the requirements of the WAWF. Label the MFR “WAWF Overview Training”. The MFR will be replacing the certificate WAWF used to generate. The MFR will need to be uploaded into PIEE under your “My Training” section.
- **Contractor Performance Assessment Reporting System (CPARS):**
 This is a web-based system used to input data on contractor performance.
(Note: training can be accessed at: https://www.cpars.gov/webtrain_auto.htm use “Assessing Official” role) (Approx. 2 hrs to complete)
- **CLC 120: UP Contract Administration.** This is a UP-specific course offered by DAU on its website <https://www.dau.edu/> providing an overview of issues related to administration of UP contracts.
(Approx. 2 hrs to complete)
- **DOD 002: Combatting Human Trafficking.** This is a DoD-wide course requirement offered by DAU on its website <https://www.dau.edu/>. Select the DAU Training link, and then select the “Apply for this course” link to register for the course.
(Approx. 1 hr to complete)

NOTE: COR designees shall complete all of the required initial training above prior to being issued a LOA by the Contracting Officer. Until such time, the individual shall not perform COR-related duties on the UP contract.

COR-Related REFRESHER Training Required:

Annually

- * **CLM 003:** Ethics Training for the AT&L Workforce (*Approx. 2 hrs to complete*)
 - Access via the DAU website: <https://www.dau.edu/>
- * **DOD 002:** Combatting Human Trafficking (*Approx. 1 hr to complete*)
 - Access via the DAU website: <https://www.dau.edu/>

Every Three Years (or if not served as a COR within the last 2 years)

A minimum of sixteen (16) hours of COR-related training is mandated for the “Refresher Training” requirement. COR Refresher Training options are listed below. CORs shall consult with the designated UP Contracting Officer or Contracting Specialist before selecting courses. The UP Contracting Officer/Contract Specialist can provide guidance to CORs to help identify applicable, role-specific refresher training with a focus on individualized training needs. However, it is ultimately up to the discretion of the COR to determine the specific “Refresher Training” courses that will be taken to meet this requirement. All selected courses need to demonstrate a reasonable applicability to COR duties in order to be considered acceptable towards meeting the 16-hour requirement.

- **DAU Continuous Learning Modules:** These modules offer a variety of courses that can be used for meeting the 16-hour “Refresher Training” Requirement - These courses can be accessed via the DAU website: <https://www.dau.edu/> (select the “Continuous Learning” link, and then select the “CL Modules” link).
- **Contracting Officer’s Representative (COR) Refresher Course (16-hrs):** This two-day in-resident course (Course # AQ9COR00035) is offered by the DLA Training Center (DTC). The scheduled offerings of this course are found by emailing HQ DLA Training at HQDLATraining@dla.mil and request upcoming class dates and locations. Additionally, a SF182 is needed 30 days prior to the start of any course date and signed by 1st and 2nd level supervision. A copy of this form is located at <https://www.opm.gov/forms/>

NOTE: The requesting organization “will be” responsible for travel and lodging arrangements.

- Sources of equivalent/qualified COR-related refresher training, as well as additional methods of delivery of the 2-day DTC course listed above, are continuously being explored and will be made available as they are

identified.

- Your local training coordinator at your Installation can also be consulted for potential sources of approved COR refresher training courses.
- You will need to send a record of all completed training, to include certificates and completion notifications, to the Contracting Specialist for filing.

7.0 COR Checklist of General Duties *(At a glance, what can/cannot the COR do?)*

The checklist at the Appendix identifies the basic “do’s and don’ts” for CORs on UP contracts.

8.0 Summary *(Wrapping it all up)*

Serving as a Contracting Officer’s Representative on Utilities Privatization contracts is a big job; an important job. Whether you have previous experience as a COR, or if this is your first time in this appointed position, you may see that the duties required of a COR on UP contracts will test your skills and challenge you in unique ways. This document is intended to provide you a basic foundation as you prepare to serve as the eyes and ears of the UP Contracting Officer. **Always remember that it is VERY important to consult the Contracting Officer if there is any doubt or problem related to the UP contract – if in doubt, contact the Contracting Officer.**

Going forward, it is important to remember that Utilities Privatization -- with the unique features of a 50-year utility services contract and the fact that the UP contractor owns the utility system – is very much a long-term “partnership”. In addition to ensuring contract compliance, as the COR you will see the inherent (and immediate) benefit of establishing strong daily relationships with this new partner. Together, you can expect to see the utility “health” of the Installation maintained and improved over the upcoming years, providing increased flexibility and capability to meet whatever utility-related challenges the Installation’s ever-evolving mission creates.

Welcome to the UP Team!

APPENDIX

COR Checklist of General Duties

Contracting Officer: *(Insert Name)*
Contracting Officer's Representative: *(Insert Name)*
Contract Number: **SP0600-YY-C-XXXX**
Installation & System(s): *(Insert Name/system(s))*
Date: **Month, DD 20YY**

1. Ensure all detailed requirements that are listed in the COR Letter of Appointment (LOA) are followed.	<input type="checkbox"/>
2. Read and maintain a current copy of the contract with all the modifications. Be familiar with all terms and conditions of the contract, including modifications.	<input type="checkbox"/>
3. Notify the Contracting Officer in writing, through the COR's immediate supervisor, if 1) if there will be an impending change with COR personnel, 2) the current COR will be absent for an extended period in the near future, or 3) the current COR is otherwise unable to fulfill the responsibilities of the position.	<input type="checkbox"/>
4. Complete all required COR-related Initial Training:	
a) CLC 222: Contracting Officer's Representative (COR) Online Training (<i>Approx. 32 hrs to complete</i>)	<input type="checkbox"/>
b) CLM 003: Ethics Training for the AT&L Workforce (<i>Approx. 2 hrs to complete</i>)	<input type="checkbox"/>
c) CLM 049: Procurement Fraud Indicators (<i>Approx. 2 hrs to complete</i>)	<input type="checkbox"/>
d) Any additional training mandated by the local command or mandatory specialized/technical training as determined by DLA, including access to the following automated systems:	<input type="checkbox"/>
1) Wide Area Workflow (WAWF) ("Acceptor" role) (<i>Approx. 2 hrs to complete</i>)	<input type="checkbox"/>
2) Contractor Performance Assessment Reporting System (CPARS) ("Assessing Official Representative" role) (<i>Approx. 2 hrs to complete</i>)	<input type="checkbox"/>
3) CLC 120: UP Contract Administration (<i>Approx. 2 hrs to complete</i>)	<input type="checkbox"/>
4) DOD 002: Combatting Human Trafficking (<i>Approx. 1 hr to complete</i>)	<input type="checkbox"/>

5) Completion of Office of Government Ethics Confidential Financial Disclosure Report (OGE Form 450). Access this form at: https://www2.oge.gov/web/oge.nsf/OGE%20Forms?SearchView&Query=450&SearchMax=0&searchorder=3	<input type="checkbox"/>
5. Complete all required COR-related Refresher Training:	
<u>Annually:</u>	<input type="checkbox"/>
a) CLM 003: Ethics Training for the AT&L Workforce (Approx. 2 hrs to complete)	<input type="checkbox"/>
b) DOD 002: Combatting Human Trafficking (Approx. 1 hr to complete)	<input type="checkbox"/>
c) Completion of Office of Government Ethics Confidential Financial Disclosure Report (OGE Form 450.) Access this form at: https://www2.oge.gov/web/oge.nsf/OGE%20Forms?SearchView&Query=450&SearchMax=0&searchorder=3	<input type="checkbox"/>
<u>Every Three Years (or if not served as a COR within the last 2 years):</u>	
a) A minimum of 16 hours of COR-related training every 3 years or prior to assuming COR responsibilities if the individual has not served as a COR within the last 2 years. COR may select from the applicable sources listed below:	<input type="checkbox"/>
1) DAU Continuous Learning Modules	<input type="checkbox"/>
2) Contracting Officer's Representative (COR) Refresher Course (16 hrs) (DTC Course # AQ9COR00035), or equivalent.	<input type="checkbox"/>
3) Any additional sources of equivalent/qualified COR-related refresher training identified.	<input type="checkbox"/>
6. Assist the Contracting Officer in the development of a Quality Assurance Surveillance Plan (QASP) prior to contract award.	<input type="checkbox"/>
7. Monitor technical compliance and ensure that UP technical requirements are being met per the contract and the QASP. UP-specific COR duties include, but are not limited to, the following:	<input type="checkbox"/>
a) Monitoring of the timeliness and quality of UP contract submittals, to include invoices, reports, drawings, and plans.	<input type="checkbox"/>
b) Monitoring of coordination between the UP contractor and the various installation-level Government offices.	<input type="checkbox"/>

c) Monitoring the status, timeliness, and quality of activities associated with the operational transition period.	
d) Monitoring of the quality and responsiveness of UP contractor service call response	

operations.	<input type="checkbox"/>
e) Monitoring the status and quality of UP contractor renewals & replacements and system upgrade activities.	<input type="checkbox"/>
8. Provide technical interpretation of the contract requirements, as necessary. (<i>Note: COR is not required to serve as <u>the</u> sole technical expert; he/she can obtain appropriate technical interpretive support as necessary, and as deemed appropriate, within their organization.</i>)	<input type="checkbox"/>
9. Ensure that all Government requirements that are to be furnished or performed are met as directed in the contract.	<input type="checkbox"/>
10. Inform the Contracting Officer of any delays in work or any problem that warrants a modification be processed to the existing contract.	<input type="checkbox"/>
11. Ensure that changes in work under the contract are not implemented before written authorization or a contract modification is issued by the Contracting Officer.	<input type="checkbox"/>
12. Notify the Contracting Officer of any problems or changes that have occurred outside the scope of work.	<input type="checkbox"/>
13. Notify the Contracting Officer if performance is not proceeding satisfactorily or if problems are anticipated.	<input type="checkbox"/>
14. Report all deficiencies, in writing, to the Contracting Officer.	<input type="checkbox"/>
15. Review and approve progress and financial reports, and other items requiring approval, in a timely manner. Notify the Contracting Officer if reports or other items submitted are being rejected.	<input type="checkbox"/>
16. Request the Contracting Officer de-obligate excess funding, as necessary.	<input type="checkbox"/>
17. Ensure all assigned COR duties, as specified in the COR Evaluation Checklist, are being followed. (<i>Note: DLA Energy-FEE uses the COR Evaluation Checklist as part of its annual evaluation of assigned UP CORs.</i>)	<input type="checkbox"/>
18. Keep the Contracting Officer informed of communication with the contractor in order to prevent possible misunderstandings or situations that could become a basis for future claims against the Government.	<input type="checkbox"/>
19. Ensure a UP contract familiarization/communication plan has been adequately established (and is subsequently maintained/modified) with appropriate base officials.	<input type="checkbox"/>
20. Report any potential fraud, waste, and abuse to the Contracting Officer/Specialist, as well as the Installation's legal office.	<input type="checkbox"/>

Unauthorized Actions:

As a COR, you are not authorized to take the following actions:

1. Alter the contract in any way, either directly or by implication.	<input type="checkbox"/>
2. Issue instructions to the contractor to stop or start work.	<input type="checkbox"/>
3. Order or accept goods or services not expressly required by the contract.	<input type="checkbox"/>
4. Render a decision under the Disputes clause as listed in the contract. <i>(Note: The Disputes clause is a clause in the UP contract which provides instructions to the contractor on properly filing a claim. The COR shall not render decisions in this area; rather, the COR shall refer the contractor to the Contracting Officer for further guidance.)</i>	<input type="checkbox"/>
5. Authorize delivery or disposition of Government property unless it states “Authorized” in the contract.	<input type="checkbox"/>
6. Discuss contractor-specific/sensitive information to parties not directly related to the UP contract, and without a need to know.	<input type="checkbox"/>
7. Discuss acquisition plans or provide any advance information that might give one contractor an advantage over another contractor in forthcoming procurements.	<input type="checkbox"/>